



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

July 11, 2017

(Via email and Certified Mail)  
**CERTIFIED MAIL**  
**NO. 7015 1520 0001 7928 4390**

Mr. Richard McKee  
Chief Engineer  
Department of General Services  
1515 Clay Street #113  
Oakland, California 94612  
[richard.mckee@dgs.ca.gov](mailto:richard.mckee@dgs.ca.gov)

**SUBJECT: FAILURE TO COMPLY; UNDERGROUND STORAGE TANK SYSTEM  
LOCATED AT DEPARTMENT OF GENERAL SERVICES, 1515 CLAY STREET,  
OAKLAND**

Dear Mr. McKee:

As of the date of this letter, the State Water Resources Control Board (State Water Board) has not received a response to our May 11, 2017 Notice of Violation (NOV)(attached). You are directed to correct the ongoing violations identified in the NOV and submit compliance documentation to the State Water Board and Alameda County Department of Environmental Health within ten (10) days from the date of this letter.

Please send all compliance documentation to the following:

**State Water Board**  
Ms. Rebecca Green  
UST Enforcement Unit  
Office of Enforcement  
State Water Resources Control Board  
801 K Street, Suite 2300  
Sacramento, California 95814  
[rebecca.green@waterboards.ca.gov](mailto:rebecca.green@waterboards.ca.gov)

**Local CUPA**  
Ms. Aileen Mendoza  
Supervising Hazardous Materials Specialist  
Alameda County Department of  
Environmental Health  
1131 Harbor Bay Parkway  
Alameda, California 94502  
[aileen.mendoza@acgov.org](mailto:aileen.mendoza@acgov.org)

Failure to comply with this notice may result in an enforcement action by the State Water Board. The State Water Board reserves the right to bring an action against the owner and/or operator of the tank(s) in violation, or it may recommend that Alameda County Department of Environmental Health pursue enforcement, or Alameda County Department of Environmental Health may elect to pursue enforcement independently.

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

If you have any questions, please contact me at (916) 341-5551, or by email at [amantha.henkel@waterboards.ca.gov](mailto:amantha.henkel@waterboards.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Amantha Henkel". The signature is fluid and cursive, with the first name "Amantha" and last name "Henkel" clearly distinguishable.

Amantha Henkel  
Senior Environmental Scientist  
UST Enforcement Unit  
**Office of Enforcement**

Attachment: May 11, 2017 Notice of Violation

cc: *(via email only)*

Ms. Susan Hugo, Chief  
Hazardous Materials Division  
Alameda County Department of  
Environmental Health  
[susan.hugo@acgov.org](mailto:susan.hugo@acgov.org)

Ms. Aileen Mendoza  
Supervising Hazardous Materials Specialist  
Alameda County Department of  
Environmental Health  
[aileen.mendoza@acgov.org](mailto:aileen.mendoza@acgov.org)

Mr. Jemahl Amen  
Deputy Director  
Department of General Services  
[jemahl.amen@dgs.ca.gov](mailto:jemahl.amen@dgs.ca.gov)

## State Water Resources Control Board

May 11, 2017

(Via email and Certified Mail)  
**CERTIFIED MAIL**  
NO. 7015 1520 0001 8017 2402

Mr. Richard McKee  
Chief Engineer  
Department of General Services  
1515 Clay Street #113  
Oakland, California 94612  
[richard.mckee@dgs.ca.gov](mailto:richard.mckee@dgs.ca.gov)

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEM  
LOCATED AT DEPARTMENT OF GENERAL SERVICES, 1515 CLAY STREET,  
OAKLAND**

Dear Mr. McKee:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the UST at your facility on April 26, 2017, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	<b>Failure to Maintain Operating Permit</b> – The permit to operate was not available at the time of inspection.	All	April 26, 2017	Ongoing	H&SC 25284(a)
2	<b>Failure to Maintain Response Plan</b> – The response plan needs to be updated because it is signed by a former employee and is not dated.	All	April 26, 2017	Ongoing	23 CCR 2632(d)(2), 2634(e)
3	<b>Failure to Maintain Site Map</b> – The site map must be updated to include underground piping and auxiliary equipment such as monitoring sensors.	All	April 26, 2017	Ongoing	23 CCR 2711(a)(8)

No.	Violation	Tank	Start Date	Stop Date	Regulation
4	<b>Failure to Provide Designated Operator (DO) Training</b> – There were no current DO employee training records onsite at the time of inspection. The last DO employee training record indicated a training date of May 27, 2015. This training must be conducted annually.	All	May 27, 2016	Ongoing	23 CCR 2715(f)
5	<b>Failure to Perform DO</b> – There was no record of DO inspections for the previous twelve months at the time of inspection.	All	April 1, 2016	Ongoing	23 CCR 2715(c)
6	<b>Failure to Maintain UST Monitoring System</b> – The monitoring panel has been in alarm since August 4, 2016. A daily log tracks this information; however, there is no follow up action.	All	August 4, 2016	Ongoing	H&SC 25291(b); 23 CCR 2630(d)
7	<b>Failure to Monitor Product</b> – The sensor in the piping sump is unable to detect a leak at the earliest opportunity because the testing boots are on and the sensor is not in a vertical position.	All	April 26, 2017	Ongoing	23 CCR 2630(d)
8	<b>Failure to Tag Monitoring Equipment</b> – A certification tag was not affixed to any of the monitoring equipment components. These tags must be placed in a readily visible location.	All	April 26, 2017	Ongoing	23 CCR 2638(f)
9	<b>Failure to Perform Annual Monitoring Certification</b> – There were no records of this test at the time of inspection. The local agency inspector identified the last test was conducted on July 29, 2015, in the Alameda County Department of Environmental Health Final Notice of Violation dated March 24, 2017.	All	July 29, 2016	Ongoing	23 CCR 2638
10	<b>Failure to Perform Annual Spill Containment Testing</b> – There were no records of a spill containment test being conducted since June 11, 2015.	All	June 11, 2016	Ongoing	H&SC 25284.2



No.	Violation	Tank	Start Date	Stop Date	Regulation
11	<b>Failure to Maintain Monitoring or Testing Records Onsite</b> – There were no testing documents or monthly DO inspection records onsite at the time of inspection. The following testing documents must be maintained onsite for three years: annual monitoring system certifications, annual spill containment testing, and secondary containment tests. Monthly DO inspection records must also be maintained onsite for twelve months.	All	April 26, 2017	Ongoing	H&SC 25293; 23 CCR 2712(b), 2715(e)

**You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and Alameda County Department of Environmental Health within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance.**

Please send all compliance documentation to the following:

**State Water Board**

Ms. Rebecca Green  
UST Enforcement Unit  
Office of Enforcement  
State Water Resources Control Board  
801 K Street, Suite 2300  
Sacramento, California 95814  
[rebecca.green@waterboards.ca.gov](mailto:rebecca.green@waterboards.ca.gov)

**Local CUPA**

Ms. Aileen Mendoza  
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If you have any questions, please contact me at (916) 341-5551, or by email at [amantha.henkel@waterboards.ca.gov](mailto:amantha.henkel@waterboards.ca.gov).

Sincerely,



Amantha Henkel  
Senior Environmental Scientist  
UST Enforcement Unit  
**Office of Enforcement**

cc: See next page.

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Hazardous Materials Division  
Alameda County Department  
of Environmental Health  
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